



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
3040 Biddle Road
Medford, Oregon 97504
email address: or110mb@or.blm.gov



IN REPLY REFER TO:

1792(OR116)

JUN 30 2008

Dear Interested Public:

The Ashland Resource Area of the Medford District Bureau of Land Management (BLM) is proposing to grant a right-of-way for the construction of approximately 100 feet of new road on Public Land in the Hukill Hollow area of Sterling Creek Road. This proposal responds to an application from a private land owner needing legal ingress and egress to their private land in-holding. The application is being processed in accordance with the Federal Land Policy and Management Act (FLPMA) regulations. The private land is described as tax lot 1600, in Section 6, T. 39 S., R. 2 W., W. M. It is BLM policy to cooperate with private land owners in providing for legal access when other reasonable access is not obtainable.

The Ashland Resource Area has completed an Environmental Assessment (EA) for Right-Of-Way Amendment Request OR 52915. The EA is available on line at:

<http://www.blm.gov/or/districts/medford/plans/index.php>

or you may receive a hard copy by making a telephone request. The EA is made available for public review until July 18, 2008. After July 18, 2008, I will make a decision whether to proceed with the project or if changes are needed based on public comment.

We welcome your comments on the content of the EA. We are particularly interested in comments that address one or more of the following: (1) new information that would affect the analysis, (2) information or evidence of flawed or incomplete analysis; (3) BLM's determination that there are no significant impacts associated with the proposed action beyond those impacts addressed in the *Medford District Proposed Resource Management Plan/ Environmental Impact Statement*, and (4) alternatives to the Proposed Action that would respond to purpose and need. Specific comments are the most useful.

Comments received, including names and addresses, will be available for public review. Individual respondents may request confidentiality. If you wish to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law but we cannot guarantee anonymity. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

All comments should be made in writing and mailed to Edward Reilly, Ashland Resource Area, 3040 Biddle Road, Medford, OR 97504. Comments must be received by June 30, 2008. Any questions, or if you wish to be mailed a hard copy, should be directed to the Ashland Planning Department at (541) 618-2497.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gerritsma". The signature is fluid and cursive, with a large initial "J" and "G".

John Gerritsma
Field Manager
Ashland Resource Area

Attachment

ENVIRONMENTAL ASSESSMENT

For

Right-of-Way Amendment Request (OR 52915)

**United States
Department of the Interior
Bureau of Land Management
Medford District**

Jackson County, Oregon

ENVIRONMENTAL ASSESSMENT (EA)
for
RIGHT-OF-WAY AMENDMENT REQUEST
(OR 52915)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT

JACKSON COUNTY OREGON
EA COVER SHEET

RESOURCE AREA: Ashland

ACTION/TITLE: Right-Of-Way Amendment Request (OR 52915)

EA NUMBER: OR-116-08-07

LOCATION: T. 39 S., R. 2 W., in Section 6, W.M., Jackson County Oregon (see Map)

ENVIRONMENTAL ASSESSMENT (EA)

for

RIGHT-OF-WAY AMENDMENT REQUEST OR 52915

A. INTRODUCTION

This Environmental Assessment (EA) documents the environmental analysis conducted to estimate the site-specific effects on the human environment that may result from the implementation of BLM's proposed action. This document complies with the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA; 40 CFR Parts 1500-1508) and the Department of the Interior's manual guidance on the National Environmental Policy Act of 1969 (516 DM 1-7).

B. WHAT IS BLM PROPOSING & WHY?

The Ashland Resource Area of the Medford District Bureau of Land Management (BLM) proposes to amend an existing right-of-way grant for the construction of approximately 100 feet of driveway on Public Land in the Hukill Hollow area in the Sterling Creek Watershed. The applicant requested this right-of-way to obtain legal ingress and egress to private land. The application is being processed in accordance with the Federal Land Policy and Management Act (FLPMA) regulations. The private land is described as tax lot 1600, in Section 6, T. 39 S., R. 2 W., W. M. It is BLM policy to cooperate with private land owners in providing for legal access when other reasonable access is not obtainable.

C. CONFORMANCE WITH MANAGEMENT DIRECTION, STATUTES & REGULATIONS

The proposed action is in compliance with and is tiered to the *Medford District Record of Decision and Resource Management Plan* (RMP) as amended by the *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from the Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* (USDI 2007). The 1995 Medford District Resource Management Plan incorporated the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (Northwest Forest Plan) (USDA and USDI 1994). This project is also consistent with the *Medford District Integrated Weed Management Plan Environmental Assessment* (1998) and tiered to the *Northwest Area Noxious Weed Control Program* (EIS 1985).

The proposed action and alternatives are in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, and the Archaeological Resources Protection Act of 1979.

D. WHERE IS THE PROJECT LOCATED?

The proposed new road is located on the west side of Hukill Hollow Road, which is accessed off-of Sterling Creek Road; the legal description is T. 39 S., R. 2 W., in Section 6, W.M., Jackson County Oregon.

E. DECISIONS TO BE MADE & DECISION FACTORS

This Environmental Assessment will provide the information needed for the authorized officer, the Ashland Resource Area Field Manager, to render a decision regarding the selection of a course of action to be implemented for the Right-of-Way Request OR 52915 project. The Ashland Resource Area Field Manager must decide whether to implement the proposed action as requested or whether to select the No-Action Alternative. In choosing whether or not to move forward with the proposed action, the Field Manager will consider whether the proposed action is compliant with applicable Federal and State laws and consistent with management direction for BLM-administered lands (43 CFR 2804.25 (d)(1) and 43 CFR 2804.26 (1)).

The decision will also include a determination whether or not the impacts of the proposed action are significant to the human environment. If the impacts are determined to be within those impacts analyzed in the *Medford District Proposed Resource Management Plan Environmental Impact Statement* (EIS) (USDI 1994) and the *Final SEIS On Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan)* (USDA/USDI 1994), or otherwise determined to be insignificant, a Finding of No Additional Significant Impact (FONASI) can be issued and a decision implemented. If this EA determines that the significance of impacts are unknown or greater than those previously analyzed and disclosed, then a project specific EIS must be prepared.

F. ALTERNATIVES ANALYZED IN DETAIL

1. Alternative 1 - No Action Alternative

Under Alternative 1, the proposed road would not be approved and the applicant would not acquire legal access to their land across public land. If the No Action alternative is selected, this could result in the applicant seeking legal action to acquire access. If legal action is taken it would likely involve the route currently proposed over public land.

2. Alternative 2 – Proposed Action

Under Alternative 2, the Proposed Action, BLM would authorize the amendment to an existing right-of-way to allow for the construction of approximately 100 feet of new road to provide legal ingress and egress to the applicant's private parcel. The new road would connect to an existing BLM road (BLM road 39-2W-7). The new access road would be about 15 feet in width, the right-of-way ingress and egress easement would be 20 feet wide. The following project design features would be required as a condition of constructing/reconstructing and using the new road on BLM administered land.

Project Design Features

- (1) Driveway construction would be allowed to occur between June 15 to October 15.
- (2) The driveway will be surfaced for all weather use; six to eight inches of pit run or ¾ minus rock.
- (3) The applicant would be required to protect all trees along the edge of the road right-of-way during construction activities. Trees determined to be a safety hazard to workers would be removed in accordance with Occupational Safety and Health Administration regulations (none have been identified at this time).
- (4) Mechanical equipment (e.g. graders, loaders, etc.) would be power washed and cleaned of all soil and vegetative material before entering the project area.
- (5) Seeding of native grasses and/or an approved seed mix on highly disturbed soil (e.g., landings, new road cut and fill slopes, etc.), if any, would occur.



Figure 1. Existing BLM gravel road in the foreground and proposed route providing access across BLM land into open field area. Road proposed is approximately 100 feet on BLM land.

G. ALTERNATIVES & ACTIONS CONSIDERED BUT NOT ANALYZED IN DETAIL

Alternate routes: Another route was considered coming in from the North. This route traversed approximately 2.5 miles of existing closed and gated BLM controlled road and would have required construction of an additional three to five tenths of a mile of new road on BLM land to reach the private property. This alternative route was dropped from full development because of the potential resource need to limit disturbance as much as possible. In addition, BLM makes efforts to minimize private land owner access behind locked gates when possible. The proposed route is simpler and shorter with less impact.

H. AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

The Proposed Action was analyzed to determine the potential for significant environmental effects beyond those described in the Environmental Impact Statements for the Medford District Resource Management Plan and the Northwest Forest Plan EISs. This Environmental Assessment tiers to and incorporates by reference the Medford District Proposed Resource Management Plan/Environmental Impact Statement (USDI 1994); the Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old Growth Forest Related Species within the Range of the Northern Spotted Owl (USDA/USDI 1994); and the Final Supplemental Environmental Impact Statement for Amendment to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (USDA/USDI 2000).

1. Soils

The soil identified in the proposed road construction area is Manita Loam. The Manita loam is on 2 to 7 percent slopes and is a deep, well drained soil on alluvial fans. It formed in alluvium derived dominantly from metamorphic rock. Typically, the surface layer is dark brown loam about 8 inches thick. The upper 5 inches of the subsoil is dark reddish brown clay loam. The lower 45 inches is yellowish red clay loam. Weathered bedrock is at a depth of about 58 inches. The depth to bedrock ranges from 40 to 60 inches. In some areas the surface layer is gravelly. Permeability is moderately slow in the Manita soil. Runoff is slow, and the hazard of water erosion is slight. The proposed construction would disturb about 2000 square feet of the soil surface. Most eroded soil particles would remain near the disturbance sight. Surfacing the roadbed would minimize soil erosion during the wet season and the grass seeding would help prevent eroded soil particles from moving into local waterways.

2. Fish and Water Resources

The right-of-way, if authorized, would allow for construction and use of about 100 feet of new road across BLM administered lands. The new road would be located in the Little Applegate River Watershed, specifically near Hukill Hollow, a long duration intermittent tributary to Sterling Creek. The nearest populations of fish occur about 1.5 miles downstream from the proposed project area, in Sterling Creek. Sterling Creek is known to support steelhead and cutthroat trout, and is designated both Southern Oregon Northern California (SONC) coho salmon Critical Habitat (CCH) and Essential Fish Habitat (EFH).

The proposed road route on BLM lands would be over relatively flat land that is currently a pasture, and would not intersect any drainage channels, nor encroach upon any Riparian Reserves. As the route from the established road to the new home site is over a pasture, very little vegetative disturbance would be necessary to construct the road. Additionally, construction would occur during the dry season, and the road would be adequately surfaced with rock to allow for use all year long.

Because the proposed road would not interface with any stream channels or Riparian Reserves, authorizing this right-of-way would not affect water quality; there would be no hydrological connectivity between the road and Hukill Hollow, hence no causal mechanism for this project to contribute eroded particulates to stream channels. Stream temperatures would be unaffected, as no riparian vegetation would be removed. Given the size of the proposed project (about 100 feet of road) and minimal amount of vegetation that would be disturbed, authorizing this right-of-way would not affect water quantity; any rain water captured by the compacted surface of the road prism would disperse off of the road prism and onto the pasture, where it would then infiltrate the soil in a natural fashion.

This project, if implemented, would not impact water resources, it would likewise have no effect to aquatic and fish habitat, including CCH and EFH. Aquatic Conservation Strategy objectives would be unaffected at all spatial scales.

3. Forest Vegetation

The project area is located in an area of previous disturbance and within 125 to 150 feet of an existing road. Field visits by BLM staff verified the vicinity of the project area to be open forest condition. Access across the existing route would involve little if any new vegetation disturbance. Implementation of the road would involve disturbance to less than 0.1 acre of grass and shrub vegetation; no tree removal would occur.

4. Wildlife (Terrestrial)

The proposed road is located primarily in grassland. The area provides habitat for several terrestrial wildlife species including black-tailed deer (*Odocoileus hemionus hemionus*), California quail (*Callipepla californica*), and western fence lizard (*Sceloporus occidentalis*). The proposed project area does not provide suitable habitat for any listed or proposed threatened or endangered wildlife species, and it is not located in critical habitat for any federally listed threatened or endangered species. It also does not provide habitat for any BLM sensitive species.

The proposed action would authorize a private landowner to construct approximately 100 feet of road on BLM managed land. The new construction would remove approximately 1,500 square feet of grassland habitat. The loss of this small amount of habitat would have a negligible impact to the terrestrial wildlife species on BLM managed land in the general area of the proposed project.

However, the proposed action would facilitate the construction of additional road and a house. The use of the road and the presence of a house, along with the associated activity, would have a long-term influence on the distribution and abundance of wildlife species in the immediate vicinity of the road and house. It is likely that some wildlife species would avoid these areas and that some would habituate to the activity. It is also possible that some species would be attracted to the residence depending on the food, water and shelter that would provide by landscaping, structures, and other amenities of human habitation.

5. Special Status Botanical Species

Bureau Special Status Plants, Lichens, and Fungi (SSP) include species that are listed as threatened or endangered under the Endangered Species Act (ESA), proposed or candidates for listing, State listed, and Bureau designated Sensitive species. For these species, the BLM implements recovery plans, conservation strategies, and approved project design criteria of biological opinions, and ensures that actions authorized, funded, or carried out by the BLM do not contribute to the need for the species to become listed.

Of the four federal endangered (*Arabis macdonaldiana*, *Fritillaria gentneri*, *Limnanthes floccosa* ssp. *grandiflora*, *Lomatium cookii*) and one candidate (*Calochortus persistens*) plants on the Medford District, the Fardelmann Right-of-Way is within the range of only one, *Fritillaria gentneri*. No occurrences of listed or candidate plants have been found within the project area. Any sites of listed or candidate plants found outside their defined range would have been reported.

The project area habitat is moderately to heavily disturbed. In recent years this area has been managed as roadside/fence line and tilled farmland. The project area provides very little suitable habitat for SSP with a low likelihood of occurrence for any sensitive species except early seral taxa. Surveys for all species, except fungi, on the Medford District SSP list were conducted in May 2008. Surveys were conducted using the complete survey method. A complete survey is defined as a 100 percent visual exam of potential suitable habitat in the survey area. The surveys found no occurrences of Bureau SSP species within or adjacent to the proposed treatment areas. Surveys for the 20 species of fungi that are on the Medford District SSP list are not required; the project area provides no suitable habitat.

Noxious Weeds and Introduced Plants

Noxious weeds are generally non-native plants that cause or are likely to cause economic or environmental harm or harm to human health. Introduced plants are species that are non-native to the ecosystem under consideration. Introduced plants may adversely affect the proper functioning condition of the ecosystem.

Noxious weeds were not found in the project area. The weed sites in the vicinity are associated with roads, private land uses, natural resource management units, old wildfire areas, and off-highway vehicle traffic. The noxious weed in the vicinity of the project area is yellow star-thistle which is on the Oregon Department of Agriculture's B List. List B designated weeds are weeds of economic importance which are regionally abundant but may have limited distribution in some counties.

Yellow star-thistle (*Centaurea solstitialis*) is an annual or biennial with a deep taproot. The yellow flower heads are spined producing 35-80+ seeds. Large plants can produce over 100,000 seeds. Seed dispersal is mainly via gravity with longer distances by birds, animals, humans, vehicles, and commercial crops. Seeds can remain viable in the soil seed bank for six to ten years. Non-native honeybees are the

main pollinator of yellow star-thistle, accounting for 50% of seed set. There are 2,334 yellow star-thistle sites reported for the Medford District. This weed is a native of Eurasia. It lowers forage value, increases farming and ranching costs, depletes soil moisture, displaces native plants, decreases plant diversity, and is toxic to horses. Successful control methods include chemical, biological, cultural, and mechanical (including pulling and mowing).

Environmental Consequences

Alternative 1 – No Action

There would be no direct effects to Medford District SSP from not granting the right-of-way.

If the No Action alternative is selected, it is assumed that the land owner will find other access onto the private land. Indirect effects would include loss of suitable habitat for Medford District special status species from new road construction at a different site over private land, and the potential for uncontrolled weed spread on private land. We assume that obtaining alternate access over private land would not include treatment of any noxious weeds as they become established. We assume that loss of suitable habitat on private land is inevitable. There is no State or Federal law requiring protection of Special Status Plants, Lichens, and Fungi (including ESA listed) on private land.

Alternative 2-Proposed action

Since no sensitive plants were found, there would be no direct effects to Medford District SSP from granting the right-of-way.

Noxious weed spread would be avoided by project design features, including seeding on new cut areas and/or fill slopes. The right-of-way, being on flat ground, is expected to have little or no new cut or fill slopes.

6. Cultural Resources

The proposed project would have no adverse effects on known cultural resources. A cultural resource survey was completed and no resources were found.

This project would not result in restricting access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites. No sites have been identified in the project area. Executive Order 13007 (Indian Sacred Sites).

This project would have no effect on Indian Trust Resources as none exist in the project area.

7. Other Effects

a. Potential Effects to Public Health and Safety.

No aspects of the project have been identified as having the potential to significantly and adversely impact public health or safety. All operations on BLM-administered lands are required to meet Occupational Safety and Health Association regulations for worker and public safety.

b. Potential for highly controversial environmental effects.

The proposed right-of-way and its anticipated effects are similar in nature to those of many other past and ongoing projects implemented across the Medford District BLM and are within the scope of and consistent with the Medford Resource Management Plan. No significant or unique level of controversy concerning the effects of this project has been identified.

c. Potential for highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.

The process for estimating the anticipated effects are well known and this project is limited in scope and intensity. The estimated environmental effects identified for this project have been determined to be

within the effects described in the Medford District Proposed Resource Management Plan Environmental Impact Statement or otherwise determined to be insignificant as the project is designed to avoid or minimize the potential for adverse environmental effects.

d. Potential to establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Other projects of this nature are implemented on a regular basis on federal lands across the Medford District and in the vicinity of the project area. The Medford District Resource Management Plan provided program direction for rights-of-way across public lands (RMP p. 82). Therefore, this decision would not establish precedent for future projects.

e. Environmental Justice

This project was reviewed for the potential for disproportionately high or adverse effects on minority or low income populations. No adverse impacts to minority or low income populations would occur. *Executive Order 12898 (Environmental Justice).*

I. PUBLIC PARTICIPATION

Public notice of the availability of this EA was provided through publication on the Medford District Planning and NEPA project web site. A legal ad was published in the Medford Mail Tribune newspaper. A copy of this EA is available upon request from the Ashland Resource Area, Bureau of Land Management, 3040 Biddle Rd., Medford, OR 97504, (541)618-2384.

This EA was distributed to adjacent landowners and to the following agencies, organizations, companies, and tribes:

Federally Recognized Tribes

Cow Creek Band of Umpqua Indians
Confederated Tribes of Grand Ronde
Confederated Tribes of Siletz

Other Tribes

Confederated Tribes of the Rogue-table Rock and Associated Tribes
Shasta Indian Nation
Klamath Tribe
Quartz Valley Indian Reservation (Shasta Tribe)
Shasta Nation

Organizations and Agencies

Audubon Society
Department of State Forestry
Hannon Library Southern Oregon University
Jackson Co. Commissioners and Courthouse
Jackson Co. Stockman's Association
Klamath Siskiyou Wildlands Center
Northwest Environmental Defense Center
Oregon Department Environmental Quality
Oregon Department of Fish and Wildlife
Oregon Wild
Siskiyou Project
The National Center for Conservation Science and Policy
Oregon Wild

References

USDA Forest Service and USDI Bureau of Land Management. 1994. *Final SEIS On Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan)*. Regional Ecosystem Office, Portland, OR.

U.S. Department of Agriculture, Forest Service and U.S. Department of the Interior, Bureau of Land Management. 1994. *Record of Decision (ROD) for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*. Portland, OR.

USDA Forest Service/USDI Bureau of Land Management. 1995. *Jenny Creek Watershed Analysis*. On file at the Medford District Bureau of Land Management, 3040 Biddle Road Medford, Oregon

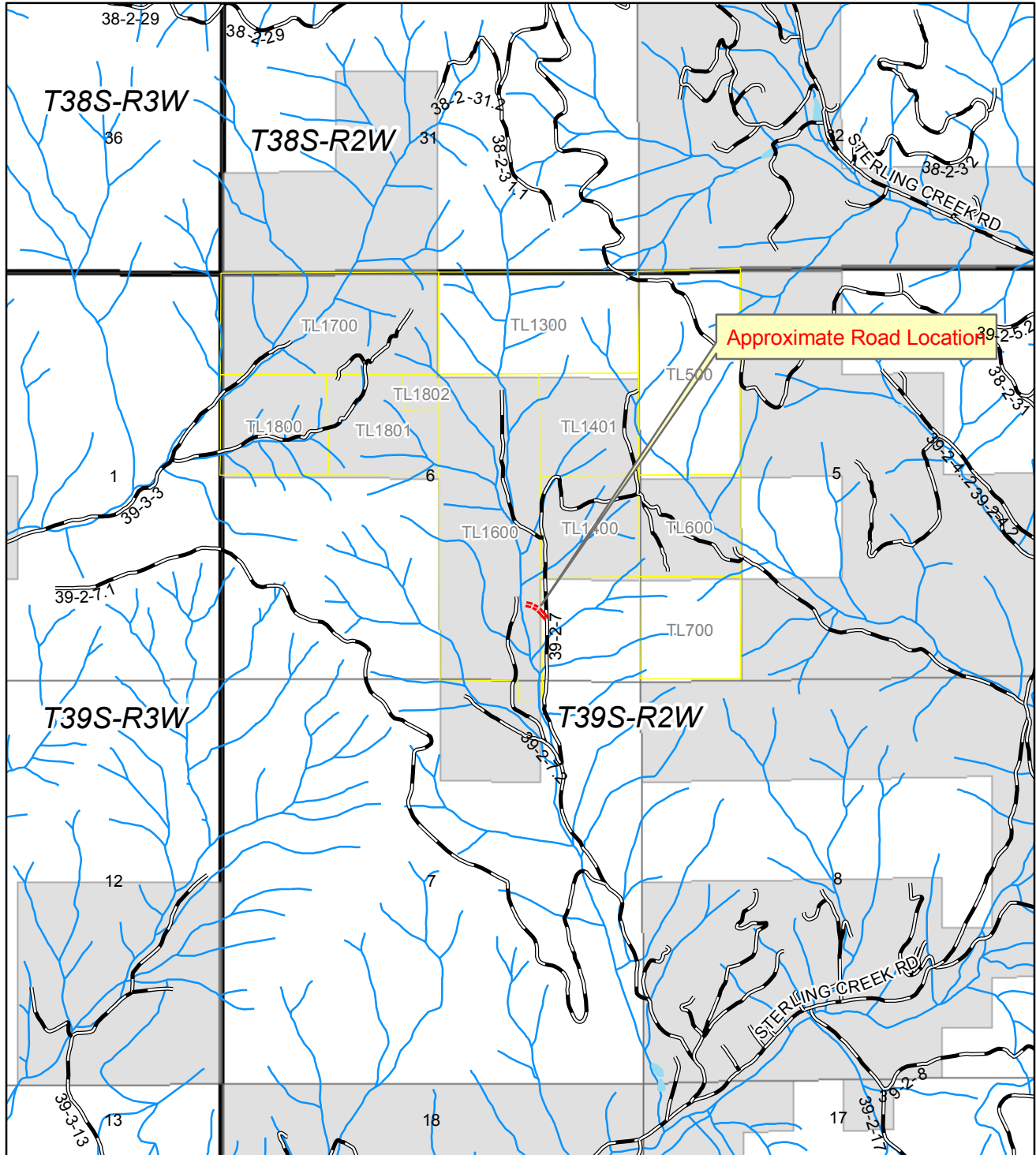
United States Department of the Interior (USDI) Bureau of Land Management. October 1994. *Medford District Proposed Resource Management Plan/ Environmental Impact Statement*.

United States Department of the Interior (USDI) Bureau of Land Management. June 1995. *Medford District Record of Decision and Resource Management Plan*.

USDI, Forest Service and U.S. Department of the Interior, Bureau of Land Management. 2001. *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*. Portland, OR.

ROW Amendment Location Map

OR 52915
Ex. A (Amendment)
04/24/2008

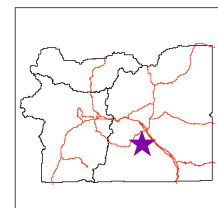


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Legend

— Road — Stream BLM Non BLM



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

Universal Transverse Mercator Zone 10 N
North American Datum of 1983

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